

EXHIBIT G

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Attorneys for Defendants
6 CITY OF SANTA ROSA; EDWIN FLINT, in his capacity
as Chief of Police for the CITY OF SANTA ROSA;
7 RICH CELLI, an individual and Officer of the
SANTA ROSA POLICE DEPARTMENT; TRAVIS MENKE,
8 an individual and Officer of the SANTA ROSA POLICE DEPARTMENT;
and PATRICIA MANN, an individual and Officer of the
9 SANTA ROSA POLICE DEPARTMENT

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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PATRICIA DESANTIS, et al.,

Case No. C 07-3386 JSW (consolidated with
C 07-4474)

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Plaintiffs,

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v.

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' SPECIAL
INTERROGATORIES, SET TWO**

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CITY OF SANTA ROSA, et al.,

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Defendants.

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PROPOUNDING PARTY: Plaintiff PATRICIA DESANTIS

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RESPONDING PARTY: Defendant CITY OF SANTA ROSA

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SET NUMBER: TWO

22

Defendant, City of Santa Rosa, responds to Special Interrogatories, Set No. Two, served
23 on it by plaintiff Patricia DeSantis as follows:

24

PRELIMINARY STATEMENT

25

This responding party has not fully completed investigation of the facts relating to this
26 case, has not fully completed discovery in this action and has not completed preparation for trial.
27 The following response is based solely upon information which is presently available and known
28 to this responding party and discloses only that information which defendant is presently aware

1 of. The following responses are given without prejudice to defendant's right to introduce
2 evidence of subsequently discovered documents, facts or evidence which have been omitted in
3 these responses through inadvertence or oversight. Further discovery, investigation, legal
4 research and analysis will supply additional facts, add meaning to the known facts, as well as
5 establish entirely new factual conclusions and legal contentions, all of which may lead to
6 substantial additions to, changes in and variations from the responses given herein. These
7 responses are given without prejudice to defendant's right to produce evidence of any
8 subsequently discovered documents, facts or evidence which these responding parties may later
9 discover or recall.

10 **INTERROGATORY NO. 6:**

11 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
12 police officer used lethal force on duty.

13 **RESPONSE TO INTERROGATORY NO. 6:**

14 Defendant objects that the interrogatory is vague and ambiguous as to the term "used
15 lethal force" in that it is unclear whether the interrogatory seeks only those incidents in which the
16 suspect died or incidents in which an officer discharged a weapon. Without waiving said
17 objection and in a good faith effort to respond, there were 4 incidents in which officers
18 discharged a gun. Of those 4 incidents, 2 resulted in the death of the suspect and two resulted in
19 non-fatal injuries. One occurred in 2004, one in 2005, none in 2006, two in 2007.

20 **INTERROGATORY NO. 7:**

21 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
22 police officer used non-lethal force on duty.

23 **RESPONSE TO INTERROGATORY NO. 7:**

24 Defendant objects that this interrogatory is overly broad, vague and ambiguous and is not
25 limited to the officers involved in this incident. Additionally, the term "non-lethal force" is
26 overly broad, vague and ambiguous and could include uniformed presence and/or commands as a
27 low level force option which would occur in numerous incidents. Defendant is further unable to
28 answer this interrogatory since it does not separately track use of force and would require that

1 approximately 58,758 incident reports involving an arrest be reviewed and analyzed.
2 Additionally, defendant objects that said information is not relevant or calculated to lead to the
3 discovery of admissible evidence.

4 **INTERROGATORY NO. 8:**

5 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
6 police officer used a taser on duty.

7 **RESPONSE TO INTERROGATORY NO. 8:**

8 Defendant objects that this interrogatory is overly broad, vague and ambiguous and is not
9 limited to the officers involved in this incident. Defendant further objects that the term "used" a
10 taser is vague and ambiguous in that it is unclear whether the interrogatory is only seeking actual
11 deployment or incidents in which an officer took out the taser and merely displayed the taser and
12 threatened to deploy it. Defendant is further unable to answer this interrogatory since it does not
13 separately track use of force and would require that approximately 58,758 incident reports
14 involving arrests be reviewed and analyzed. Additionally, defendant objects that said
15 information is not relevant or calculated to lead to the discovery of admissible evidence since a
16 taser was not used in this incident.

17 **INTERROGATORY NO. 9:**

18 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
19 police officer used a K-9 for defense on duty.

20 **RESPONSE TO INTERROGATORY NO. 9:**

21 Defendant objects that this interrogatory is overly broad, vague and ambiguous and is not
22 limited to the officers involved in this incident. Defendant further objects that the term "used" a
23 K-9 for defense is vague and ambiguous in that it is unclear whether the interrogatory is only
24 seeking actual deployment or incidents in which an officer took K-9 out of the vehicle and
25 merely displayed the K-9 or threatened to deploy it. Defendant is further unable to answer this
26 interrogatory since it does not separately track use of K-9s and would require that approximately
27 58,758 incident reports involving arrests be reviewed and analyzed. Additionally, defendant
28 objects that said information is not relevant or calculated to lead to the discovery of admissible

1 evidence since a K-9 was not deployed in this incident.

2 **INTERROGATORY NO. 10:**

3 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
4 police officer used a baton on duty.

5 **RESPONSE TO INTERROGATORY NO. 10:**

6 Defendant objects that this interrogatory is overly broad, vague and ambiguous and is not
7 limited to the officers involved in this incident. Defendant further objects that the term "used" a
8 baton is vague and ambiguous in that it is unclear whether the interrogatory is only seeking
9 actual deployment or incidents in which an officer took out a baton and merely displayed it or
10 threatened to deploy it. Defendant is further unable to answer this interrogatory since it does not
11 separately track use of batons and objects that the interrogatory is burdensome and oppressive in
12 that it would require that approximately 58,758 incident reports involving arrests be reviewed
13 and analyzed to determine such information. Additionally, defendant objects that said
14 information is not relevant or calculated to lead to the discovery of admissible information since
15 a baton was not deployed in this incident.

16 **INTERROGATORY NO. 11:**

17 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
18 police officer used a (less than lethal) Sage on duty.

19 **RESPONSE TO INTERROGATORY NO. 11:**

20 Defendant objects that this interrogatory is overly broad, vague and ambiguous and is not
21 limited to the officers involved in this incident. Defendant further objects that the term "used" a
22 baton is vague and ambiguous in that it is unclear whether the interrogatory is only seeking actual
23 deployment or incidents in which an officer took out a baton and merely displayed it or
24 threatened to deploy it. Defendant is further unable to answer this interrogatory since it does not
25 separately track use of batons and objects that the interrogatory is burdensome and oppressive in
26 that it would require that approximately 58,758 incident reports involving arrests be reviewed
27 and analyzed to determine such information. Additionally, defendant objects that said
28 information is not relevant or calculated to lead to the discovery of admissible information.

1 **INTERROGATORY NO. 12:**

2 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
3 police officer used OC/pepper spray on duty.

4 **RESPONSE TO INTERROGATORY NO. 12:**

5 Defendant objects that this interrogatory is overly broad, vague and ambiguous and is not
6 limited to the officers involved in this incident. Defendant further objects that the term "used"
7 O/C pepper spray is vague and ambiguous in that it is unclear whether the interrogatory is only
8 seeking actual deployment or incidents in which an officer took out O/C pepper spray and merely
9 displayed it or threatened to deploy it. Defendant is further unable to answer this interrogatory
10 since it does not separately track use of O/C pepper spray and objects that the interrogatory is
11 burdensome and oppressive in that it would require that approximately 58,758 incident reports
12 involving arrests be reviewed and analyzed to determine such information. Additionally,
13 defendant objects that said information is not relevant or calculated to lead to the discovery of
14 admissible information since OC/pepper spray was not deployed in this incident.

15 **INTERROGATORY NO. 13:**

16 State the number of incidents, on an annual basis from 2002 to 2007, where a Santa Rosa
17 police officer detained a person pursuant to Welfare and Institutions Code Section 5150.

18 **RESPONSE TO INTERROGATORY NO. 13:**

19 Defendant objects that the interrogatory is burdensome and oppressive in that it would
20 require that approximately 58,758 incident reports involving arrests be reviewed and analyzed to
21 determine whether in fact someone was detained under Welfare and Institutions Code Section
22 5150 for that time period. Searchable data is maintained only back to December of 2002 . From
23 December 2002 to December 2007, the department received reports of approx 3186 incidents
24 identified as possibly involving a 5150 issue. There were approximately 1746 cases during this
25 period that were reported as persons being detained under that section.

26 **INTERROGATORY NO. 14:**

27 State the number of hours of mandatory training, on an annual basis from 2002 to 2007,
28 Santa Rosa police officers received in the use of lethal force.

1 **RESPONSE TO INTERROGATORY NO. 14:**

2 The Santa Rosa Police department follows the mandated training required by the
3 California Police Officers Standards and Training Commission, a copy of which is attached
4 hereto and incorporated herein by reference. Training in use of force is not specifically broken
5 down between lethal and non lethal force although there is specifically mandated Tactical
6 Firearms training as referenced . Use of force training would be part of the Arrest and Control
7 Training--Santa Rosa refers to this as Defensive Tactics training in its training reports.

8 **INTERROGATORY NO. 15:**

9 State the number of hours of mandatory training, on an annual basis from 2002 to 2007,
10 Santa Rosa police officers received in the use of non-lethal force.

11 **RESPONSE TO INTERROGATORY NO. 15:**

12 The Santa Rosa Police department follows the mandated training required by the
13 California Police Officers Standards and Training Commission, a copy of which is attached
14 hereto and incorporated herein by reference. Training in use of force is not specifically broken
15 down between lethal and non lethal force although there is specifically mandated Tactical
16 Firearms training as referenced . Use of force training would be part of the Arrest and Control
17 Training--Santa Rosa refers to this as Defensive Tactics training in its training reports.

18 **INTERROGATORY NO. 17:**

19 State the number of hours of mandatory training, on an annual basis from 2002 to 2007,
20 Santa Rosa police officers received in the use of tasers.

21 **RESPONSE TO INTERROGATORY NO. 17:**

22 There is no state mandated training on use of tasers. Four (4) hours of training is
23 required for the use of the specific model of taser that is provided to an officer. Additionally, use
24 of taser would be covered in the mandated Arrest & Control Training (which as previously
25 indicated, Santa Rosa refers to as Defensive tactics training).

26 **INTERROGATORY NO. 18:**

27 State the number of hours of mandatory training, on an annual basis from 2002 to 2007,
28 Santa Rosa police officers received in the use of a baton.

1 **RESPONSE TO INTERROGATORY NO. 18:**

2 The Santa Rosa Police department follows the mandated training required by the
3 California Police Officers Standards and Training Commission, a copy of which is attached
4 hereto and incorporated herein by reference. Training in use of force is not specifically broken
5 down between lethal and non lethal force although there is specifically mandated Tactical
6 Firearms training as referenced . Use of force training would be part of the Arrest and Control
7 Training–Santa Rosa refers to this as Defensive Tactics training in its training reports. There is
8 no specific mandated amount of training for batons.

9 **INTERROGATORY NO. 19:**

10 State the number of hours of mandatory training, on an annual basis from 2002 to 2007,
11 Santa Rosa police officers received in the use of OC/pepper spray.

12 **RESPONSE TO INTERROGATORY NO. 19:**

13 The Santa Rosa Police department follows the mandated training required by the
14 California Police Officers Standards and Training Commission, a copy of which is attached
15 hereto and incorporated herein by reference. Training in use of force is not specifically broken
16 down between lethal and non lethal force although there is specifically mandated Tactical
17 Firearms training as referenced . Use of force training would be part of the Arrest and Control
18 Training–Santa Rosa refers to this as Defensive Tactics training in its training reports. There is
19 no specific mandated amount of training for O/C Pepper Spray.

20 **INTERROGATORY NO. 20:**

21 State the number of hours of mandatory training, on an annual basis from 2002 to 2007,
22 Santa Rosa police officers received in detaining persons pursuant to Section 5150 of the Welfare
23 and Institutions Code.

24 **RESPONSE TO INTERROGATORY NO. 20:**

25 There is not any mandated training on Section 5150 of the Welfare and Institutions Code
26 under POST requirements and Santa Rosa does not have any specific mandated training limited
27 to Welfare & Institutions Code Section 5150. This subject matter is covered as part of other
28 mandated or recommend training that is provided.

1 INTERROGATORY NO. 21:

2 State the number of complaints of excessive force, on an annual basis from 2002 to 2007,
3 made against Santa Rosa police officers.

4 **RESPONSE TO INTERROGATORY NO. 21:**

5 Defendant objects that said information is not relevant or calculated to lead to the
6 discovery of admissible evidence and is overly broad, burdensome and oppressive in that in
7 requires review of all complaints which are not broken down by subject matter and involves
8 officers other than those involved in the instant case. Additionally, the interrogatory is not
9 limited to complaints which were found to be substantiated. Defendant further objects that it is
10 vague and ambiguous as to whether the term "Complaints" refers to lawsuit or citizen complaints
11 in general..

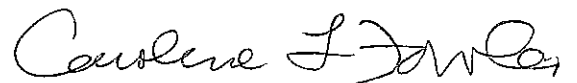
12 **INTERROGATORY NO. 22:**

13 State the number of times an officer was disciplined for excessive force on an annual
14 basis from 2002 to 2007.

15 **RESPONSE TO INTERROGATORY NO. 22:**

16 Defendant objects that said information is not relevant or calculated to lead to the
17 discovery of admissible evidence. In addition, defendant objects that the request is burdensome
18 and oppressive since it would require the defendant to review all disciplinary actions in said
19 period since data is not maintained as to the number of disciplinary actions by type of discipline
20 or nature of the factual basis for discipline. In addition, defendant objects to this interrogatory to
21 the extent that it seeks information that violates the privacy rights of its employees.

22
23 Dated: July 16, 2008



24 Caroline L. Fowler
25 Assistant City Attorney
26 Attorney for Defendants
27 City of Santa Rosa, Santa Rosa Police Chief Ed Flint,
28 Santa Rosa Police Officers Rich Celli, Travis Menke,
and Patricia Mann

Law Enforcement In-Service Training Mandates

(California Peace Officers & Dispatchers)

Overview of Mandates for Peace Officers

POST Tactical Firearms (PSP) -	4 hours (every 24 months)
POST Driver Training (PSP) -	4 hours (every 24 months)
POST Arrest & Control (PSP) -	4 hours (every 24 months)
POST Communications (PSP) -	2 hours (every 24 months)
OSHA Blood Borne Pathogens -	Annual Refresher per Cal OSHA
EMSA First Aid / CPR -	12 hours (every 3 years)
Racial Profiling (PC 13519.4) -	2 hour min. (every 5 years)
Vehicle Pursuit Policy Update -	1 hour min. (every year)

Recommended Training per Legislative Mandate but not mandated:

Domestic Violence Update (PC 13519(g) - 2 hours every 24 months

Mental Illness & Developmental Disabilities (PC 13515.25) – Continuing Training

Peace Officers – 24-hours of Continuing Professional Training (CPT)

- For all peace officers, including sheriffs and police chiefs
- Specific training requirements to include the following:
 - Perishable Skills Program (PSP) – min. 14 hrs every 24 months
 - Not mandated for reserves but recommended
 - POST PSP training required for Sergeants and below
 - Tactical Firearms – 4 hours
 - Driver Training – 4 hours
 - Arrest & Control – 4 hours
 - Communications (Tactical or Interpersonal) – 2 hours
 - Blood Borne Pathogenes (per Cal OSHA) – Annual Refresher
 - 2 hrs minimum if agency wishes to get POST CPT credit
 - First Aid / CPR – Frequency & Content as prescribed by Emergency Medical Services Authority (EMSA)
 - California Code of Regulations, Title 22, Division 9, Chapter 1.5, sections 100005-1000028 (referenced in POST Basic Course – LD34) and PC 13518(a)
 - 12 hours every 3 years or less based on competency written/skills test
 - Per AHA (American Heart Association)
 - CPR 3 hours
 - AED/CPR 3 ½ hours
 - First Aid 3 ½ hours
 - Racial Profiling – Required Refresher Course Every 5-years
 - PC 13519.4 (i)
 - Includes all peace officers, including reserves
 - Training to keep current with changing racial & cultural trends

Dispatchers – 24-hours of Continuing Professional Training (CPT)


- No specific training identified as of yet (should be related to function of dispatcher)

VERIFICATION

The undersigned is an employee of the City of Santa Rosa and I am authorized to sign on its behalf. I have read the above Defendants' Response to Plaintiffs' Special Interrogatories, Set No. Two, and I am informed and I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Executed on July 16, 2008, in Santa Rosa, California.


LYNNE MARGOLIES
Risk Manager

CERTIFICATE OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of 18 years and not a party to the within action. My business address is 100 Santa Rosa Avenue, Room 8, Santa Rosa, California.

On July 16, 2008, I served the attached:

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
SPECIAL INTERROGATORIES, SET TWO**

The name and address of the person(s) served as shown on the envelope is:

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Litem for DANI DESANTIS, a minor

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Attorneys for Plaintiff
ADRIANNE DESANTIS

☒ (BY MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practice of the Santa Rosa City Attorney's Office for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

☐ (BY OVERNIGHT DELIVERY) I deposited such sealed envelope in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for to the addressee(s) noted above.

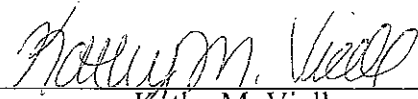
☐ (BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the addressee(s) noted above.

☐ (BY FACSIMILE) I caused the said document(s) to be transmitted by facsimile machine to the addressee(s) noted above. The transmission was reported as complete and without error, and the transmission report attached hereto was properly issued by the transmitting facsimile

1 machine.

2 I declare that I am employed in the office of a member of the bar of this Court, at whose
3 direction the service was made.

4 Executed on July 16, 2008, at Santa Rosa, California.

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6 Kathy M. Viall

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